

HODSDON

The Position of Women in Germany,
Especially since 1800

History

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**THE POSITION OF WOMEN IN GERMANY,
ESPECIALLY SINCE 1800**

BY

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THESIS

Submitted in Partial Fulfillment of the Requirements for the

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PART I
GERMAN WOMEN TO 1800
CHAPTER I
EARLY GERMAN WOMEN

An oft repeated opinion runs something like this: the best gauge of the culture of a people is the position occupied by its women. This perhaps is a trifle exaggerated, yet there is no doubt but that woman's position in society at a given period does assist the observer in determining the place of that period in the growth of civilization. Considering the position of women in the world, from the earliest historical times when mankind was just emerging from a savage state, to the present day, when we pride ourselves on being highly civilized, women have not received the rights they might have been expected to obtain in the onward march of civilization, and in that respect our much vaunted culture has in reality little of which to boast.

The position of Teutonic women, in the earliest ages of which record exists, grew out of primitive forms of society, for example, the tribe. When tribes migrated, women had to undergo the same hardships as men, and this tended to cultivate in them such masculine characteristics as endurance and courage. They accompanied their men-folk into battle and by their presence stimulated the warriors to the utmost to prevent defeat and the capture of the women. When Caius Marius drove back the Teutons

at Aix, "Then," says Plutarch, "the Teutonic women rushed to meet them with swords and cudgels, and flung themselves headlong among the pursuers and pursued, uttering hideous and frantic howls; the latter they drove back as cowards, the former they assailed as enemies, mingling with the battle, beating down the swords of the Romans, with their bare hands grasping the bare blades, and with courage dauntless to the death, allowed themselves to be gashed and hacked to pieces rather than yield."¹ "The captured Teutonic maidens besought the conqueror to let them enter among the virgins of Vesta, promising to remain untarnished in her service. When their request was refused, rather than submit to the indignities in store for them, in the night they strangled themselves, valuing their honor above their lives."¹

It is very doubtful whether women who were as brave in battle and as self reliant as these Teutons were, would be slaves at home, and we have some direct proof that they were not in the marriage custom in which the bride and groom come to the ceremony as equals and exchanged presents which were symbolic of sharing the toils and fortunes of life. Then, too, the men felt that women possessed something divine in their character which enabled them to communicate more easily with the gods and hence they felt a great respect for them on account of their prophetic powers. We know that these Germans enjoyed fighting, and it was natural that Germanic women should be strong, courageous and full of the fighting spirit, since such a type of woman, having qualities that men most admired, would always be chosen as wife. We see this

1. Plutarch's Lives, Vol. II, c. 90.

reflected in the language, for example in the names of girls, as Hildegard meaning war, Gertrude or spear maiden, and Matilda, war maiden.¹

Tacitus, in his *Germania*, has given a general idea of their ideals, for "almost singly among the barbarians, they content themselves with one wife. Adultery is extremely rare among so numerous a people. Its punishment is instant and at the pleasure of the husband, for he cuts off her hair, strips her, and in the presence of her relatives, expels her from his house and pursues her with stripes thru the village. Neither beauty, youth nor riches can procure a prostitute a husband. Youths partake late of the pleasures of love and hence pass the age of puberty unexhausted; nor are virgins hurried into marriage; the same maturity, the same full growth is required; sexes unite equally matched and robust; and the children inherit the vigor of the parents."² There is just a question, in this rosy picture whether the adulterer was punished as severely as the adulteress and it is extremely doubtful if such was the case. Even in the Teutonic mythology is reflected the veneration for women and a belief in their ability. Goddesses possessed the attributes common to the Teutonic women and encouraged by the men - strong natures that did not yield lightly to weak emotion, either of joy or sorrow, and that showed the same courageous action as men's in trying

1. A striking contrast to this is the Greek custom of naming their girls from flowers and other objects of nature, thus showing their love for the purely beautiful.

2. Tacitus, Germania, pp. 289-293.

times. Gudrún, in great sorrow, strikes her hands together so that the walls re-echo and the birds on the roof are scared away; the hall rocks at the queen's weeping.¹ In the song of Harbard² the ferryman, in which Thor and Harbard exchange reminiscences of their adventures, to the question "What wert thou doing, Thor?" the god replies, "I was beating the wives of the giants in Hlesey for the wickedness they had perpetrated toward mankind." Harbard then remarks, "It was a disgraceful act that thou committedst, Thor, when thou gavest blows to women." Thor felt the reproach keenly and cleared himself by urging that they were more wolves than women, but nevertheless the reproach and Thor's evident discomfiture and excuse indicate the standard of ethics in the case.

It is unfortunate for the cause of woman that these uncivilized peoples should have come under the domination of Roman ideas at a time when Roman society was in a decadent state. In 300 B.C. and later Roman women had the noble qualities of gentleness and modesty, and were faithful wives and excellent mothers. There are many evidences of the beauty and happiness of family life even tho early Roman law gave the preponderance of power to the man as head of the household, but none is more full of significance than the fact that tho the husband had almost unlimited power of divorce this was not used until 520 years after the reputed founding of Rome.³ But Roman women lost the attri-

1. Edda Saemundar, Hinnns Froda. Part II, pp. 89-93.

2. Edda of Saemund, pp. 118-119.

3. Wright, Womankind in Western Europe, p. 8.

butes of true womanliness as the men lost their former integrity, and they became proud, haughty, vain, and cruel, and lost all respect for chastity and sobriety. Of course there were exceptions, for in later times we find on monuments erected by wives to husbands and vice versa, sentiments showing mutual love and respect. "Here has been laid Anymone, the daughter of Marcus, in character most excellent, in person most beautiful, a diligent plyer of the distaff, affectionate, modest, thrifty, chaste, and a keeper at home."¹ The last virtue seems significant from its emphasis in the sentence. Perhaps it is a sly thrust at prevailing customs!

Germanic women, in trying to ape the manners of Roman ladies, were naturally influenced by the morals of these women, and from this time on there was a gradual change in the relative position of men and women. The Romans were slowly reaching a position of absolute equality in all matters between the sexes, so far as the legal status of the individual was concerned. But both sexes were tending toward moral, physical, and intellectual degradation, which became more apparent with the increasing invasions of the hardy Germans. Then Christianity rapidly gained strength and large numbers of men and women were converted. According to the direct teachings of Christ, there is no indication of the inequality or subjection of women, but rather a veneration and respect, and a feeling that women have their place in the world with men.

However, Paul modified this idea, teaching that wives should

1. Wright, Womankind in Western Europe, p. 23.

obey their husbands, and that women were the tempters of men, and as he influenced later Christian writings and doctrines, the church fathers preached the inequality of the sexes and the inferiority and subjection of women. As time went on they abrogated her rights, systematically lowered her status, confiscated her privileges and ignored her human prerogatives. Wives were especially enjoined to obey their husbands and to be obedient to their wills in all things. Every woman was placed under the protection of some man, for she was considered inferior, weak, and unable to look after her own interests - with what astonishment a thinking barbarian Teutonic woman must have viewed these advantages of civilization! - so that women had more freedom under barbarism than under Christianity. Canon law placed all authority in the hands of the husband, so that women were perpetual minors - in girlhood under their fathers, in maturity under their husbands - bereft of civic, political and human rights. Even the child she bore was not deemed her own! No wonder Charles Kingsley exclaimed: "This will never be a good world for women until the last remnant of canon law is civilized off the face of the earth."¹ This world of ours, in the twentieth century, has not reached such a stage, for women still suffer from its enactments.

Life in feudal times, in fact during the whole Middle Ages, was such a complex affair and experiences were so varied, that it is very difficult to generalize on the gains or losses

1. Westminster, 164:540.

made by women in this period. If we look at the noble-woman, whose husband has gone to war - and war in the Middle Ages was the vocation of the noble - we find her charged in his absence with the defense and honor of the fief. She could be the guardian of the manor and the regent of the state; she might rule over extensive territories and take an active part in the political affairs as did Adelheid, grandmother of Otto III, and Matilda, Abbess of Quedlinburg, (they very successfully ruled the Empire during his minority and later, during his absence on wars); she had control of the whole family of the manor - and a very numerous family it was, sometimes, with the vassals, and a host of servants and slaves - even taking charge of the education of the children of the vassals, who sent them to the castle each day; and she received great respect in her home, for, when her lord was not at war, she sat at the table beside him, and at other times, instead of serving the wine to the guests as had formerly been the custom, she sat at the head of the table.

Such women gained dignity, courage, and virtues which they had not displayed under other circumstances; these rights contributed powerful incentives, no doubt, to their moral development and general progress; and they became self confident and conscious of growing independence. Such an attitude was readily communicated to the rest of the sex within the castle walls. Furthermore, it naturally affected the other sex, and under its influence the harshness and ferocity which was a strong characteristic of feudalism was exchanged for elegance of manners and sentiments. Two new words arose: courtesy, which was fostered

by the influence of women, and chivalry, in which women became patrons of bravery and in turn were protected by the exaggerated care of the knights.

Under chivalry women were allegorized and made a symbol of purity and divine excellence, which led to boundless admiration and praise. Tho men glorified women to a position of ideal superiority, nevertheless gallantry, courtesy and sentimental love took the place of a substantial recognition of their economic and political needs, and permitted every kind of immorality under legal forms. Since women were not permitted to bear arms, which in feudal days was necessary for recognition of power, they came to be held in subjection and to be considered inferior, as were old men and tradesmen, tho the situation was usually glossed over with sentimentality and love making. Even married women had their love affairs openly, it being condoned for the very excellent reason - according to the way men worked it out - that men needed these incentives to spur them on to perform deeds of valor. The church did not frown upon this, for confession was salvation, and so the sentiment grew, until illegitimacy of birth was not considered dishonorable: all of which reacted unfavorably upon women.

From the Minnesingers we get the idea that women were very impressionable, almost invariably fell in love on sight, made the advances, and conducted the courtship, while the men were more reserved, and often delayed and even refused the offers. Even tho it is the high born lady who is sung about, we find her often

ill protected and subjected to violence as was the Princess Beatrix,¹ in the romance of Hervis de Metz, who was stolen to be sold as a slave but was finally married to her lover. In the romance of Girart de Viane we find bits of philosophizing on women and advice to men: - "We must not pay much attention to women's anger; but when she once hates in earnest, her fury is more to be feared than the most violent poison, for her mind invents crimes which would have made Cain recoil."¹

Little more need be said about these noble ladies, for they are familiar in medieval romances, but there are two other classes about whom much is yet to be found - the large class of common women, and those who sought protection and the preservation of chastity in the convents. In this latter class were many noble ladies who entered convents to escape an uncongenial marriage or an unpleasant home life, and women of lesser rank, to escape the hardships attendant upon life in the towns or isolated castles. Life in these convents was usually very dull but pleasant; the nuns had few rules and devoted themselves to learning, embroidery, and some teaching. They learned Latin and read the classics as well as the scriptures. They also wrote: most of their writings have not come down to us, yet we have extant some of the works of Hroswitha, the nun of Gandersheim, who wrote in the early part of the tenth century.² As a writer of history and legends, she ranks with the best authors of her time, and as a writer of drama, she stands alone. Her works are distin-

1. Popular Epics of the Middle Ages, Ludlow, pp. 54-59.

2. Mozans, Woman in Science, p. 43.

guished by originality of treatment, complete mastery of the material used, and genuine beauty of rhyme and rhythm. In her own time, she was famous for her learning, and to the oft repeated assertion that women should not be educated, for education is the cause of her sin and temptation, she replied that it was not knowledge itself, but the use of it that was dangerous.¹

Other famous literary women of this period were St. Hildegard, the "sybil of the Rhine", and Herrad, author of the *Garden of Delights*. St. Hildegard was called the marvel of Germany because of her great sanctity and extent and variety of attainments. She has often been compared to Peter Lombard, since so many people in all walks of life flocked to her for counsel. Herrad's book gives a splendid picture of the Middle Ages.

Besides literary pursuits, the nuns became versed in medicine, and in the 12th century, it was often the women who were the doctors and surgeons, and not the men. Many collections of medical receipts have been found which were compiled by women.

These few facts, gleaned from many, show that convent women had high attainments and were a far different type from the lady. In fact, it may be argued, that the career open to the inmates of convents was greater than any ever thrown open to women in the course of modern European history.

When the men went from home to fight for Christianity, and perhaps were killed by the Saracens or the heathen, abbeys were

1. Mozans, Woman in Science, p. 45.

founded that their daughters might not be reduced to begging if their property should be seized, or that their lives might be made brighter, by intercourse with other women of their kind and by widening their mental horizons with intellectual work. Even members of royal families became abbesses, and as grants of land, money, and special privileges were often made these abbeys by sovereigns, they became powerful, and the position of abbess became proportionally augmented. An abbess often held the position of a feudal lord¹ and as such sent contingents of knights to war, had the duties and privileges of a baron who held his property of the king, and in this capacity might be summoned to the Imperial Diet. Royal ladies often had the opportunity to become acquainted with political customs, but the common woman of the upper middle class had also the opportunity to rule and to show her executive ability in the position of abbess, to which she might rise by sheer force of personality.

There still remains the burgher woman and the peasant woman, and their lot must often have been pitiful. Many were the causes for their condition: the tyranny of the lords increased so that peasants fled and wandered about the country; priests, being compelled to be celibates, were immoral and corrupted all classes of society, for according to popular stories every woman had a priest for her lover;² and, because of the numerous wars and feuds, the perilousness of voyages, and the higher mortality among men, due to habitual excesses, the numerical excess of women

1. Eckstein, Woman under Monasticism, p. 152

2. Wright, Womankind in Western Europe, p. 272

over men had increased, making marriage a difficult proposition.

Burgher women were often coarse in language and manners, violent in their temper and tyrannical over their husbands. They are represented in medieval poems, as loving to gad about, especially conorting in taverns where men and women met, -

"When the dames of the city,
Before going to church or to market,
Towards the tavern in the morning,
Come trotting along quickly."¹

But it is the peasant women who most deserve our pity, for owing to the terrible exactions of the lords, and the lack of protecting men folk, they were left to the mercy of the strong, usually the lords, priests, or knights. Of course, many of them led uneventful, happy lives, but on the other hand, the vagabond and unfortunate classes of women were mainly recruited from the peasants. In order to counteract the misery of these helpless and unfortunate women, "Bettinen houses" were instituted in many cities and placed under municipal supervision, but neither these establishments nor the nunneries could receive all that applied for succor, and so swarms of women roamed the highways as jugglers, singers, and players in companies of strolling students and friars, flooded the fairs and markets, and were found wherever large crowds were gathered for festivals were celebrated. They even formed different divisions in regiments of foot soldiers, "each with its own sergeants. They

1. Wright, Womankind in Western Europe, p.268.

were assigned different duties according to looks and age and under severe penalties were not allowed to prostitute themselves outside of their own company. Their duties were various: they brot hay and straw, filled trenches and ponds, in sieges filled ditches with brushwood, assisted in putting field pieces in position and when these stuck in the bottomless roads, they had to help pull them out."¹

It was considered necessary that there be these strolling women for the protection of marriage and the honor of maidens, and according to the life of the time, the princes going on tours and even youths and married men in cities, sought a change in pleasures. In Ulm, where houses of unfortunate women were abolished in 1537, the guilds moved in 1551 that they be restored in order to avoid worse disorders. The nobles were responsible for much of the evil doing for they controlled the courts and redress was next to impossible.

The period from the middle of the 13th century to the Reformation was clearly a man's epoch when women sank to the lowest level, on account of political and economic conditions. The discovery of America and a sea route to India produced a social revolution, for German commerce declined, the people became poorer, and the princes made themselves independent by wars which depopulated the cities. Hence the population in most German states sank to one tenth, and to repopulate quickly, the princes "raised the law" and allowed a man two wives. Naturally contempt for women increased when they were numerically in excess, but by 1541

1. Bebel, Woman under Socialism, p. 60

polygamy ceased to be tolerated the prostitution continued. When marriage was made a sacrament of the Church at the Council of Trent in the 16th century, the Protestant clergy went to the other extreme and waged war against prostitution. With the advent of Protestantism, pompous worship in churches was abolished in northern European lands, and many women embroiderers, gold spinners and beaters were thrown out of work, contributing thus to the general bad economic position of women. However, the servant woman had raised herself morally during the preceding centuries thru the ideal of Mary, the Virgin mother,¹ who believed in every woman's working; and now it was thru this ideal that gradually women were expected to find their truest vocation in the home and to become excellent housewives and mothers.

Women suffered greatly from the ill-effects of the suppression of the convents, which were the only schools for girls during the Renaissance, tho they were far from adequate and taught only the barest rudiments. Since the time of Hroswitha, the learned woman has never been the ideal woman in Germany, even the daughters of professors devoting their time to sewing and embroidery. Anna, the eldest daughter of Melanchthon, was almost alone among German women of the Renaissance in having a knowledge of Latin.² German men recognized no intellect in women apart from their domestic duties, but believed them to be "afflicted with the radical incapacity to acquire an individual

1. Meyer, Die Beiden Frauenideale der Germanen, 593.

2. Mozans, Woman in Science, p. 70.

idea." Women were ridiculed when they quoted the Fathers or ancient classic writers.¹ Even Luther said that intellectual aspirations of women were not only an absurdity but a positive peril. "Take them from their housewifery and they are good for nothing."² Montaigne, who was widely read in Germany, regarded woman as a pretty animal, while Rabelais made the startling assertion that "Nature in creating woman lost the good sense which she had displayed in the creation of all other things."³ When the leaders thot this way, it was natural that the Renaissance did little for popular education, and the masses of women were in as bad a condition as had been the case in the Dark Ages; and the only books that were recommended to women to be read were those on piety and cookery.

After the Thirty Years' War, women began to gain men's respect by being capable nurses and guardians of children's welfare and by reconstructing the home out of the chaos into which war had plunged it, but it was about the beginning of the 18th century (tho there had been faint strivings in the 17th century) that women began again to assert their individuality in various ways, the most prominent of which were in literature and on politics.

Before the Romantic movement reached Germany in 1700 women were not considered to have an existence apart from men, but the Romanticists brot in the idea of the independence of the indivi-

1. Mozans, Women in Science, p. 74.

2. ibid., p. 75.

3. ibid., p. 75.

dual regardless of sex, and it took root and grew, - the first real advance that women had made since the rather effervescent attempt of the Minnesingers to elevate her. Woman became conscious of her individuality but was in such a degraded position that she resorted to politics of the lowest kind in order to elevate herself. This attempt was made by individual women for their own personal advantage and not for the advancement of women in general. They accomplished their end by intrigue and bribery even to the selling of their honor for greater social position.

Much corruption was due to the attitude of the ruling families of the states. The men kept mistresses and the women had lovers of low birth. The connection of the Prussian king Frederick William II and Countess Lichtenau is one among many examples. The Germans tried to ape the French in manners and customs, so the nobility led immoral lives and the citizens followed the lead of those socially above them. The English Ambassador, Lord Malmesbury, wrote in 1772 of Berlin life that "total corruption of morals pervades both sexes of all classes, whereto must be added the indigence caused partly thru the taxes imposed by the present king and partly thru the love of luxury that they took from his grandfather. The men lead a life of excesses with limited means, while the women are harpies wholly bereft of shame. They yield themselves to him who pays best. Tenderness and true love are things unknown to them."¹ He probably was speaking mainly of the nobility, for the married women

1. Bebel, Woman under Socialism, p. 75.

of citizen rank were not of this sort. They lived in strict seclusion and engaged in many tasks, such as spinning, weaving and bleaching linen, preparing soap and candles, brewing beer, and many other duties. Their only recreation was church. They brought up their daughters to such tasks, and made them capable women. The industrious German woman became the ideal of the nation in the next century, after the desire to imitate things French passed away. The ladies of rank were the first women to rise above the low level of early modern times, and they accomplished this largely thru their cultivation of literature. French literature was read and studied, poets and teachers were welcomed at all the petty courts of Germany, even tho they were men of loose lives; and women imbibed eagerly the new philosophies and poetry. Women became patronesses of needy but brilliant writers and spurred them on to greater works. A glance into the life histories of Siehenkäs, Herder, Richter and Goethe will convince anyone of the important role women played in their lives. "It was an age of classic love of beauty, medieval sentimentality, and modern rationalism; and the three elements combined with much sputtering and n t a little heat to form in the end the solid civilization of the present generation."¹

Women were sentimentalized to such an extent that the incoherent raving of Bürger about his Molly was possible - "In this costly heaven-souled being, the flower of sensibility savours so exqui-

1. S. Baring-Gould, Germany, Past and Present, p. 212.

sitely that the finest organs of spiritual life can scarce perceive the aroma."¹

So at the beginning of the 19th century, even tho the German women had practically no political rights, little opportunity for education, and no chance to engage in business enterprises, some of them were making faint beginnings in art and literature. Not that they did any noteworthy creative work, but their interest was aroused and their genius found expression in stimulating men of ability. The great majority of women, however, were content to be housewives in the narrowest sense of the word, having seemingly no ambition to better their condition. It was left for the 19th century to see a gradual change in woman's habits of thought and condition of life.

1. S. Baring Gould, Germany, Past and Present, p. 213

PART II
GERMAN WOMEN SINCE 1800
CHAPTER II
MANNERS AND MORALS

The position of women in Germany in the 19th century can not be treated as simply as in previous ages, and so, for convenience of discussion, women's activities may be divided into five parts: manners and morals, women in literature, women and education, women in business, and woman's legal position and her struggle to obtain a recognition of her rights.

The men of Germany at the beginning of this century passed thru their "storm and stress" period when they had to endure much to gain freedom, while the women who assisted them to achieve their aims were compelled to work behind the scenes and to live up to the ideals that men placed before them. Let us see whether these were based on nature or on sound reasoning!

First and foremost woman must be the home-maker, and hence her whole life from infancy up was trained toward an exalted idea of domesticity. Her schooling was very elementary and impractical, as far as use of it in every day life was concerned. She was taught to sew, cook, and manage a household, so that upon her marriage she could enter upon her duties without difficulty. She must sacrifice herself in every way, live a life of service, and always stay at home. As a German proverb puts it, "Women and gouty legs are best at home."

She did an enormous amount of work about the house, for most articles used were made by the woman at home. When the manufacture of cloth and many articles of food and of household use were taken from the home to the shop, she spent her time in keeping everything spotless, scouring and polishing every article that would admit of such treatment, and scrubbing the floors until there was always a suspicion of dampness about them. It was not for her to know anything outside of her home; - she could read light literature, but she must not dabble in it herself, except to translate from the English or to write nursery tales, for when other fields were tried, critics criticized her so severely that they have incurred the censure of want of generosity and fair-mindedness; she might appreciate art but it was not lady-like for her to indulge her artistic proclivities; but be like Angelica Kauffmann, who painted Alpine scenes and roses on gentlemen's tobacco cases at home, and had to go to England to get recognition of her ability; she might enjoy music or appreciate architecture, but it was never even dreamed that she might have any creative ability along such lines, and her husband might be a very poor business man and have no ability to make money, yet she seldom could exercise her native business ability (it was unthought of that she should be trained along such lines) in any large undertaking. She might, of course, if conditions demanded it, sell her embroidery or her cookery at an exchange and do all sorts of unskilled manual labor, but to enter into any of the fields in which men were masters, THAT was rank heresy. The husband did not consider his wife's ignorance of life out-

side the home a drawback to him, for "pure happiness is found in the love of a very simple heart and the freshness of ignorance is water to the tongue of abstract thought."¹

The unsophisticated woman was lauded to such an extent that a reaction was bound to come, as it did in the thirties, when, due to the efforts of Rahel Von Ense and Bettina von Arnim, the ideal changed somewhat; when marriage was emancipated from the church, that is, civil marriage was recognized; and the girl became free, at least theoretically, to choose her own mate. Before this time, women could become nothing except thru men, that is, a woman upon marrying was received into the class of her husband, no matter whether it was higher or lower than her previous position. One thing, however, was assured, that she could not rise higher than her husband.

Women cultivated the qualities that men liked - women of today in the most advanced countries have not gotten beyond this weakness - such as frivolity and coquetry. But now came bitter times for men and for women, when misery and hopelessness seized the nation and two contradictory ideas regarding women became prevalent, namely: that women should be without opinions and wrapped in misery, and that there were some women who were strong minded enough to struggle for truth and justice, even tho they lost their reputation. It was these women, who did not follow tradition and believe implicitly "in dem Gott Mann", that tried to infuse new life into the millions of women w o

1. S. Baring-Gould, Germany, Past and Present, p. 222.

plodded along with no ideas of their own.¹

Rahel Von Ense, who is often called the first modern woman, was the forerunner of emancipated women, for she, with Henrietta Herz, held up an ideal of friendship between men and women, and demanded an opportunity to express each one's individual ego. But they were not successful in interesting large numbers of women, for they did not know exactly what they wanted or how to go about obtaining it, since they lacked the "innere Schulung."² Hence it was left to the middle class woman who was trained through the hard school of experience, who felt most keenly the effects of the industrial revolution, and who was the best able to express her feelings, to arouse herself in the interests of her sex. She was not allowed to join her cause to that of the burghers in 1848 when they struggled for freedom; in fact in all that tense period there is no mention of her. The question arises - why did the burgher forget women and the working classes in his attempts to create a legitimate state, and the answer seems to be, that he did not realize his duty, that he thought only of himself, and so the struggle of the present is a result of his lack of foresight. Another question that comes to mind is - where were the women during these struggles? The answer is simple, for they did not understand the spirit of the times, and in peaceful contemplation, they viewed the disturbances from afar. After the stress of war times, they sank again to the

1. Cauer, Die Frau im 19. Jahrhundert, p. 68

2. ibid., p. 75.

level of trivial home duties and struggled, if they struggled at all, only for a place in literature, art, and poetry, and not for their rights. In short they were asleep.

Nevertheless, there were a few women with great souls and ideals who tried to raise the general standard above the idea of household duties, and they demanded equal rights, not especially for themselves as women, but as sharers in the struggle of the men. Some of these women, as Frau Hermegh, were as radical as the men, and shared in the martyrdom of the years of repression.¹ Their attempts varied in aim; some wanted recognition in literature, some in art, some in political and economic life, and their methods of procedure and success of attainment were in direct proportion to their clearness of vision and the energy with which they pushed their claims. But before considering these aims in detail, let us give a hasty glance at the actual position of women in the home.

It is almost unknown for a wealthy German girl to be unmarried, simply because a girl, no matter how charming or talented, who has no fortune, has little chance of marrying, for men demand a dowry with their wives. It is a condition of German society that men can not marry much before thirty, since they must spend a certain number of years in the army and in school, and after obtaining a position, they must earn enough to support a wife in the class in which they are accustomed to move. If they wish to marry a dowerless girl, it will take an increased

1. Zeigler, Die geistigen und Socialen Strömungen, p. 608.

number of years of work to earn the required money, while if the betrothed has a fortune of her own, she can keep the home up to the scale in her class of society. Hence, perhaps, there are fewer marriages for love,¹ and more for money or some other advantage.²

Perhaps it is this fact that influences the husband's attitude towards his wife. At least German men are noted for assuming in some cases, what appears to the American mind as a domineering attitude toward their wives, and for assuming in all cases an attitude that implies a sense of ownership over the wife. It is the husband's place to command and the wife's to obey. The husband does not open doors or carry parcels for his wife, but he kisses her hand and pays her artificial compliments.³ One German who had lived in the United States for a time, while walking with his wife and wheeling the baby carriage down the principal street in Munich, was the occasion of considerable audible comment and amusement for the passers by.⁴ Price Collier says: "One observes everywhere and among practically all classes, an attitude of condescension toward women among the polite and polished, an attitude of carelessness, bordering on contempt, among the rude."⁵

The German expresses his indifference by habitually enjoying himself at the "Kneipe" of an evening, leaving his wife alone

1. Mayhew, German Life and Manners, I, p. 418

2. It is quite common for men to marry several times, if their wives die or divorce them. In Eisenach, a town of 13,000 people in 1860, $\frac{1}{4}$ of the total number of husbands were married twice, $\frac{1}{8}$ had been married 3 times, and 1 in 64, 4 times. Some of these men were only 40 years old.

3. Sidgwick, Home Life in Germany, p. 119. 4. Prof. Lessing.

5. Tower, Germany of To-day, p. 216.

at home to tend the children and continue her housework. Germans recognize that this practice is an evil: it keeps the women's minds in a narrow rut, for they get no opportunity to discuss outside affairs with their husbands, and it makes the men intolerant of their wives simply because they do not understand them.

This on the other side - in fine weather whole families go on outings for part or all of Sunday, reaching some restaurant about meal time, where they enjoy themselves together as do a comparatively small proportion of American families.

The whole attitude of German men toward women is well expressed in the remarks of Kaiser William II when a few years ago he publicly stated: "I agree with my wife. She says women have no business to interfere with anything outside the four K's - Kinder, Kirche, Küche and Kleider." ¹ But even in these divisions of the so-called woman's sphere, they are not always supreme.

As regards "Kinder", it will be pointed out later that women do not have legal control over their children, yet they have nearly all the care of raising them. The mother must teach her daughters to do all the housework. She must teach her children moral and religious lessons; in fact, she must devote much more of her time to their well being than does the average American mother.

Considering women and the "Kirche", they play an entirely different role in Germany from that in America. There are two churches, the Catholic and Protestant, which are supported by

1. Mozans, Woman in Science, p. 94.

voluntary contributions so fully that there seems to be no need for women's activities in raising money by bazaars and suppers. The churches are not social in their nature, but German women attend church services regularly and are very devout, since piety is a virtue to be cultivated, and they train their children along these lines.

Enough has been said to show the supremacy of the German woman in the "Küche", tho it might be remarked in passing that she spends much more time and labor in her cooking than an American woman does, and the difference in the results do not justify such an expenditure.

As for "Kleider", the German woman always dresses in her class¹. Class distinctions are marked and women dress accordingly. If a poor woman is given clothes by a wealthy woman, she makes them over to suit her class and does not, as in America, wear them as they are given her. Women generally dress very neatly and in good taste, not going to the extremes reached by other Continental women. Of course, there are classes of women in Germany as in other countries who do not follow this custom; such as those who devote themselves to amusements, search for sensation, extravagant dress, and all-around display, and the enormous number of "ladies of easy virtue."

1. Mrs. Lessing.

These last named women and the prevailing immorality of city life are a source of surprise to the person who has read of the former purity and simplicity of German life. The number of registered women of loose morals in Berlin alone was estimated at above 4,000 - in about 1896 it was 3,559¹ - while the number of clandestine prostitutes in 1896 was estimated at 50,000², and they infest the streets at all hours of day and night, until it is not safe for a respectable woman to appear without a male escort after sundown.³ The main causes for such conditions are that men do not marry early, and so many have recourse to prostitutes, and that there is a noteworthy excess of the number of women over men.

There were in Germany, before the great war, over one million more women than men, and considerably more than two million women of marriagable age who were condemned to "single blessedness". It is this fact that makes the woman problem so acute and strengthens the demand of women for greater economic possibilities. Since so many women are unskilled workmen, they get such low wages that many cannot exist and turn to prostitution from necessity. It has been said that Germany is the woman market for one half the world, furnishing more prostitutes than any other country except Austria.⁴ Conditions have

1. Dufour, Geschichte der Prostitution, III, Pt. 2, pp. 38-49.

2. Flexner, Abraham, Prostitution in Europe, p. 20

3. Von Schierbrand, Germany, 272.

4. Bebel, Women under Socialism, p. 160.

become so bad that a national league of German women was formed to combat the whole evil and they presented a monster petition, bearing 25,000 signatures, to the Kaiser, asking some redress, but nothing that remedied the evil has been done.

CHAPTER III

WOMEN IN LITERATURE

In the first twenty years of the 19th century, French influence predominated in Germany and Madame de Stäel was the leading figure. She did her work without fear, opening new vistas to German women who were accustomed to working quietly behind the scenes. She was interested in the right of development of women's personality especially, and tho little has been written about this period accomplished definite results.¹

Another influential woman was George Sand who was especially interested in the position of women in law. While Madame de Stäel was of high origin, Sand was of middle class, and wrote more for her class. Inspired by her example, many women wrote and made an effort to attain a position in German literature. Yet it is true that women seemed to inspire men to great undertakings, but were unable to write anything worth while themselves. It was just the rude beginnings of an intellectual life, and women, in some cases, carried their enthusiasm to excess. Their work and they themselves, as literary women, would have been much more vital, had they had as a foundation a good education, and not merely inspiration. Take for example, the clever Charlotte Stieglitz², whose husband was a mediocre poet. She felt that

1. Cauer, Die Frau im 19 Jahrhundert, p. 8.

2. George Brandes, Main Currents in Nineteenth Century Literature, p. 301.

he had great ability, but had suffered no great sorrow to make him write his best. So she conceived the plan and carried it into effect, of committing suicide in order that he might experience deep sorrow and so reach the height of his powers.¹ She is only one example of many women, all of whom were restless, not nervous or in a hurry, but in perpetual introspection. They usually did not transgress the laws of society, tho they had no respect for them, and they had wonderful fidelity to their ideals.

Women did a great deal to encourage authors and philosophers, and many men were generous enough to acknowledge this debt. There were some women who influenced many men, as Caroline Michaelis,² who married Dr. Böhmer, and traveled in Germany and France, where she had great influence on all men who came near her. Later she married A. W. Schlegel and was connected with Schelling. She believed in too much freedom, and was not considered a good woman by most people, but the men who knew her regarded her as a romantic and noble woman, for she served as an inspiration to them. As Schlegel said, she could "ritten" but not "fahren".

Another woman of influence was Rahel Varnhagen Von Ense, the greatest woman in intellectual Germany in the years from 1830 to 1840.³ She had a quiet influence over men, felt a deep sympathy, and received homage from and influenced Schlegel, Schleiermacher, Wilhelm von Humboldt, and Heine, who dedicated a

1. This incident suggested the theme for Gutzkow's "Wally".

2. Cauer, Die Frau, p. 37.

3. George Brandes, Main Currents in 19th Cent. Literature, p. 278.

lyric intermezzo to her. Her great attraction to men was her perfect originality and unconventionality. Associated with her was another woman of brilliant talent and sparkling wit, a woman who influenced men nearly as much as Rahel - Bettina von Arnim. These women in some cases were older than the men they inspired, but that made no difference in their friendship.¹ They philosophized on all such theories as platonic friendship and affinities, and in many cases tried to carry out their ideas, much to the horror of rigidly respectable women.

These literary women obtained freedom from narrowly circumscribed lives, but used it, not for the benefit of the many who were clamoring for it, but for themselves individually. This was not selfishness but sheer lack of knowledge, for Germans at that time had no idea of cooperation in anything.

However, since 1848, there have been some German women writers who have gained recognition. One, Annette von Droste, whose masterpiece, "Die Judenbrüche" has achieved such wide spread commendation, showed a deep practical insight into human life, - its wonderful possibilities on the one hand and its narrow limitations on the other.² Two writers who had great influence between 1850 and 1870, utterly hated each other, and were absolutely unlike in every respect except one, which was that they both loved a certain Herr Simon. The one, Countess Ida Hahn-Hahn was an aristocrat. She once said that she could write a novel in six weeks, and she succeeded in so doing. She was a

1. Appendix I

2. Von Droste, Die Judenbrüche, Intro. p. 6.

poet and a mystic; and hostile to any demand of the people. She had several startling beliefs, such as these, that marriage in one's circle without perfect agreement was doomed to ill-luck, and that there should be a certain emancipation of the souls of gifted and great women, who should be free to do exactly as they pleased.¹

The other, Fanny Lewald, was a Jewish woman of middle class, who wanted to help all women - especially the housewife, the working woman, the good mother who raised her children in fear of God, kept her household in order, and loved her husband. She labored for the working classes and Jewish women, and struggled for the widening of education and of callings for women. She originated the first "Gleichwertigkeit mit dem Manne." In 1870 she wrote: "It is not right that dumb inferior men should have all the education and opportunities while industrious and able girls go without."² She did not have a deep understanding of social and political conditions, for she was a self made woman, but she arrived at her conclusion instinctively, and they usually were sound deductions. She even worked for the betterment of servant girls, demanded classes in the Realschule and the opening of art schools for girls, and wrote a scathing philippic against the men students who opposed their admission.

She, with several other women who are less well known, struggled against the teaching in boy's schools of the form of philosophy, which taught the strongest depreciation and fear of women. Schopenhauer taught that a change in woman's nature was

1. Cauer, Die Frau im 19 Jahrhundert, p. 98

2. ibid., p. 102.

not possible; that she thought of nothing but love, dress and dance - "Das ewige weibliche".¹

Women who wrote, chose the conventional style and subjects, in which anaemic heroines fainted in proof of their womanliness, drifted into consumption when heart-broken by unrequited love, or found him who was "Der Herrlichste von Allen" and lived happily ever after. E. Marlitt in "Old Mamselle's Secret" and "The Second Wife," though following this type of literature, shows the desire of women to be intellectual and to assert their mental power.

But times have changed and there is now nothing narrowly bourgeois about German literature, nor is it burdened with a revolutionary message. It may touch upon problems of modern life, or throw the light of a modern interpretation of life upon past periods of history, but it is primarily conceived with an artistic and not an ethical purpose. German women are entering all fields of literature, but with one striking difference between them and American women. They do not demand recognition for literary work - that is, they may collaborate with their husbands or friends and perhaps do as much work and be entitled to as much credit as they, but they do not demand it and hence do not receive it. A woman is almost never mentioned as co-author nor does the man feel it incumbent upon him even to acknowledge her services in print. German women take the attitude that the late Mrs. Edmund James James took when in speaking of her assistance to her husband, she said: "He is my race horse and I do everything to have him win."

1. Caner, p. 110.

CHAPTER IV

WOMEN AND EDUCATION

German women have been making considerable progress along educational lines in the past two decades, but previous to that, they had practically no opportunities to better themselves. As conditions have changed in western countries of the world, in which women are entering more and more the field of business, literary, and political activities, making an education a necessity, these conditions could not fail to influence the German women. Boys and girls were (and yet are, for that matter, except at Kindergarten) educated separately and differently. However, the education of girls is in the transition stage at the present and much greater changes than have been effected in the past seem to be pending.

Formerly girls, who wished an education, went to a Höhere Töchtereschule - a private school under state supervision. Here they learned history, geography, elementary arithmetic, one or two modern languages, and a great deal of mythology. Instead of taking up these subjects as the boys did, the girls were "stuffed" with a lot of useless information that they speedily forgot, since it was entirely unrelated to their habits of thought. When they finished the course they began learning the useful arts of cooking and sewing, in preparation for their vocation as housewives.¹

1. Mrs. Lessing.

But if a girl had no immediate prospect of marriage and had to earn her own living, she might spend three years reading for an examination for a lower post in the school system, all the higher and lucrative positions being held by men. This injustice was made public, and the need for reform was agitated, by Helene Lange, the president of the Allgemeine Deutsche Frauenverein, who has done the most for the betterment of the education of German women. In 1887, she began by publishing a pamphlet that caused a great sensation, because it demanded women teachers for higher classes in girls' schools, and for such teachers, an academic education. In 1889, she opened a Real - Kurse für Mädchen und Frauen, classes where women could work at subjects, such as Latin and advanced mathematics, which were not taught at the regular girls' schools. But she got into considerable difficulty over this school, where women for the first time were allowed to carry on their work along the lines in which they were interested. The state had organized women's education, and had laid down the law as to how much and what they should learn, so Helene Lange was told that her school was illegal. Officials even threatened to close it by force, but she kept on and finally public opinion came to her aid, and her school increased rapidly in size and efficiency. In 1893, it was changed to a Gymnasialkurse.

In 1896, the first German woman passed the Abiturienten examination, which is a very difficult one, given usually only to young men of about eighteen years of age who have finished the nine years' course in a classical school. But before this, in

1894, the first female student passed the examination in Heidelberg, for the Ph.D. degree, and in the same year, high schools were established to prepare women for the universities. In 1897, women were allowed to prepare for the teacher's career at Teacher's Seminaries. At about this time, the Victoria Lyceum was founded in Berlin to give further education to girls who had left school. Its chief work now is to prepare women for the Ober Lehrerin examination - a state examination that can be passed only five years after they have qualified as Lehrerinnen, while two of the five years must have been spent in teaching in a German school. The Prussian law of 1908, enacted under pressure of the woman's rights' movements, for the reform of girls' high schools, provided for the education of girls over twelve - Realgymnasien for girls from twelve to sixteen years; women's colleges for girls from sixteen to eighteen years. At the present time, girls are admitted to boys' schools in Baden, Hesse, Imperial Provinces of Alsace-Lorraine, Oldenburg, and Württemberg, but not in Prussia.¹

After women had gained this much, they wanted admittance to the universities, but it was vehemently denied them for many years. Professors would not permit women in their classes, and the men students jeered at and humiliated them in every possible way. The men feared that women, if allowed a university education, would take their positions and lower their wages. There was also the feeling that women were incapable of higher educa-

1. Schirmacher, Modern Woman's Rights Movement, p. 147.

tion. The typical German professor was wedded to routine and strongly adverse to any change in society, politics, or education, and especially was this true when women tried to overthrow existing customs by seeking educational equality with men.

Gradually women entered classes at Berlin as listeners, and in 1898, in a session of the Imperial Diet, the Prussian minister declared that women students who were listeners should be given examinations with the classes. In 1900, the first German university, that of Baden, allowed women to matriculate. Bavaria followed in 1903, and in 1905, there were 85 women at the universities, who had matriculated; but there were hundreds working there without being matriculated. In 1902, there were 400 women students at Berlin - more than at any other German university.

There are some professors who still refuse to allow women in their classes, giving the reason that they do not have the mentality to do the work, but these are diminishing in number rapidly as time goes on. Arthur Kirchhoff, an enterprising German journalist, investigated the question of men's superiority, and answers from German professors and teachers showed, that considering every branch of knowledge, the intellectual equality of the sexes was indicated in the result. Some professors still hunt for reasons for dissent, saying, as did one at the University of Geneva, that women had no aptitude for science, because in chemical manipulations they broke more test tubes than men.¹ Generally, professors are impressed most by

1. Mozans, Women in Science, p. 132

the marked talent and taste of women for abstract sciences, such as the higher mathematics, which were always considered beyond their capacity. Dr. Julius Bernstein, professor of physiology at Halle, says: "After reflection on the subject, I am convinced that neither God nor religion, neither custom nor law, and still less science, warrants one in maintaining any essential difference in this respect between the male and the female sex¹."

Women have entered many departments of the universities and have fitted themselves for many callings. At present, there are over fifty women doctors in Germany², tho there are many more "lady practitioners" who do not possess a degree. In 1912, there were five women lawyers, besides many women - sixty of them in Bavaria - who may be permitted to act as counsel for the defendant, but there was not a single woman minister. In 1908 the first woman lecturer in an institution of higher learning was appointed in the Mannheim School of Commerce. From 1908 to 1912, many new callings were opened to women - that of librarian, assistant in laboratories and clinics in hospitals, and maker of scientific drawings, especially of microscopic drawings. In the season for the manufacture of beet sugar, they are chemists in sugar factories. There is a woman architect in Berlin, an engineer in Hamburg, and very efficient factory inspectors in all the German states³.

1. Mozans, Women in Science, p. 133.
2. This number may be compared with the 700 women doctors in Russia - supposedly a backward country, and 5,000 in the United States.
3. Schirmacher, Modern Women's Rights Movement, p. 148.

These facts give some idea of the attempts and success of German women to obtain an education adequate to their needs. The work has only begun, and the struggle continues at the present day, for absolute equality with men in the universities, as well as over the proper work that should be taken up in the girls' schools. But women are being better fitted as time goes on to take their place with men in the business world, where they were so long handicapped by inadequate education.

CHAPTER V

WOMEN IN BUSINESS

When the factory system superseded the domestic system and machinery took the place of hand labor, women in Germany entered the ranks of laborers in the factories. Employers found they could hire women cheaper than men, and as women were very anxious to find employment, since many activities had been removed from the home and they needed to earn extra money, they were willing to work cheaper and spend longer hours at work than men. Since the number of women so far exceeded the number of men, many women had to earn their own living, and those of the middle class, having no work for which they were trained, sought inferior work and so crowded out the unskilled and lower class women. These, then, had to seek other lines of employment and they competed with men in the fields as laborers, in buildings as hod carriers and in such work as wheeling heavy wheelbarrows, mixing mortar and cement, or carrying heavy stones.

Working women were very tractable and employers took advantage of their womanly characteristics¹ to their own gain and

1. A certain manufacturer exclusively employs women at his looms: "he prefers married women, especially mothers of families which depend on them for support; they are much more attentive and tractable than unmarried women and are compelled to exert their strength to the uttermost to earn the bare means of subsistence." Speech of Lord Ashley in the Ten Hours Bill. Hansard, Parliamentary Debates, vol. 73, p. 1073.

to the detriment of women. They lengthened the working day until some women were working from fifteen to eighteen hours a day and not getting any more remuneration than a man working for less time. Women were engaged also in occupations that were dangerous to themselves and to future generations. They never thought of combining and demanding better conditions and higher wages, probably because union of forces was not a characteristic of German life at this time and it was unthought of for women to initiate any such movement. Even when working men combined to demand redress for their grievances, women were not admitted to their ranks, and so they had to continue suffering injustices that their employers and even fellow workmen put upon them, for the employers played them against the Workmen to exact more work for less wages.

In 1869, a burgher woman founded a society to take up the question of the education of women workers, but it included only hand workers, and not factory women.¹ But a few years later another was formed that included the latter class. In 1882, they demanded protection for the wives and daughters of the working class and asked that their material condition be helped. Women became interested in the work of trying to arouse their sex to an appreciation of their condition and a demand for something better. A veteran in the work issued the call in 1883, "Women of the proletariat, unite yourselves!" and due to her efforts, 500 women assembled. Since then, this beginning

1. Cauer, Die Frau im 19 Jahrhundert, p. 120.

has developed into an energetic society.

In 1889, Herr Julius Meyer founded Der Kaufmännische Verband für Weibliche Angestellte with fifty members and in 1904, it had 17,000. Its aim is to improve the conditions of life for women working in shops and business women - to carry on their education and to help them when in or out of work. It was founded to remedy some crying abuses - a working day of 17 hours, dismissal without notice, no rest on Sunday, no summer holiday, want of seats and actual prohibition to sit down when unemployed - and has been instrumental in remedying some of these. There has been secured a 10 hour day for grown women and an 8 hour for those under age, provision of seats, an 8 o'clock closing rule, one month's notice on either side and some rest on Sundays and summer holidays.¹

Labor laws for women have been made by the government at their own instigation and not thru women's efforts, because it was not possible for women to win them. Unskilled labor was easy to replace, their low wages kept them from feeling they could afford to join a union, the obsolete association laws of Germany revented much definite combined action,² and a large percentage of women worked temporarily until their marriage, so on account of these varying causes it was practically impossible for women to unite on any issue. Women have entered many occupations in the last few years

1. Sidgwick, Home Life in Germany, p. 292.

2. Until a few decades ago, pupils, apprentices under 18, and women were forbidden to join any political organization.

until their number in industry is enormous - practically 25% of all the women in Germany being wage earners. Of these, by statistics of 1895, 37% were in agriculture and horticulture; 5.4% in trade and industry; 5% in clothing and cleaning industries; 3.4% in hotels and restaurants; 2.2% in commercial pursuits and 1.9% in industries of food production and consumption.¹ There are women guardians of the poor and Superintendents of orphan asylums in many cities, and an increasing number are entering the sociological field where they are finding their future work.

The general situation of women in business is that she is free to enter the unskilled laboring class, but as soon as she attempts to gain admission to the learned professions, such as medicine, law and higher governmental positions, she meets with difficulties, because men are hostile to her. But she has been gaining in several fields - several branches of the lower government and municipal service were opened to her and after Dr. Bosse,² the Prussian Secretary of Public Instruction, who was opposed to the admission of women to the professions on scriptural grounds, had been replaced by a more progressive successor, she became able to obtain better positions in the school system. Even in journalism, she has been making advances and it is said that 50% of the popular fiction writers are women.³

Yet there are restrictions on German women who enter the business world, that do not pertain in other countries, and we find in addition to the customary attitude of men toward women in Germany

1. Scientific American, 51:20966.
2. Von Schierbrand, Germany, p. 281.
3. Ibid., p. 280.

there is a reason for it in the political status of the woman.

CHAPTER VI

THE MOVEMENT FOR CIVIL AND POLITICAL EQUALITY BETWEEN MEN AND WOMEN

As might be expected, after seeing women's disabilities in literature and in the schools, according to custom, one is not surprised to find them still further handicapped by law. Up to 1900, when the new German Civil Code went into effect, woman was everywhere in the position of a minor in relation to men. She owed obedience to her husband and if she were disobedient, Prussian law allowed him to inflict moderate bodily chastisement. All the decisions with regard to children rested with the father. Upon her husband's death, the wife had to accept a guardian for her children, for she was declared incapable of conducting their education, even when their means of support was derived from her property or her labor. Her fortune was managed by her husband, and in cases of bankruptcy, it was generally regarded as his and disposed of accordingly, unless there had been a special contract between them. A woman when divorced bore her former husband's name unless she remarried. If a woman bore an illegitimate child, she had no claim to support if she had accepted any presents from the father at the time of their intimacy. According to section 215 of the old Criminal Code, a woman may not appear in court, even if she has a public law suit, without the consent of her husband and of her two nearest relatives. According

to section 213, it is the duty of the husband to protect the wife and of the wife to obey the husband.¹

Judging from these laws, an observer would think the lot of a woman in Germany truly pitiable, but in most cases women were not made to feel the harsh exactions of the law due to the innate kindness of the German men. Yet there were too many cases in which men took advantage of the law for their own interest, and it was due to this fact and to the general belief that the laws needed to be brought up to date, that the New Civil Code was drawn up in 1900. When the different sections of the proposed Code were brought up for discussion in the Reichstag, there was a division along party lines - the Catholic or Center party, adhering to their traditional policy of opposition to liberal ideas, and uniting with the Conservatives; the Socialists ready to champion any new idea that made for greater liberty, uniting with most of the Liberals. As the Catholics held the balance of power² many measures that should have been passed failed to become law, and the most of these related to women, for the Catholics held that women should remain in the same position they had held in the past. It resulted that many of the articles in the Code seem severe, which in reality are not so in practice, just as many laws relating to women in the United States are unjust and behind general practice, yet they never affect the great majority, simply because they are not used.

However, in looking over the Civil Code and comparing it with

1. Chamier, Manual of Roman Law. Chs. 7, 8.

2. Professor Lessing.

those in European countries, one is impressed by the fact that it is very fair in nearly all of its provisions, with one noteworthy exception: divorce is commoner and more easily obtained in Germany than in England for instance. Before 1876 there was no chance of securing a complete divorce in Germany, but a perpetual separation could be obtained, in conformity with the Catholic religion. The Personal Status Act of 1875 abolished perpetual separation orders and enacted that a divorce decree could be granted in any case where a petitioner under the former law would have been granted a perpetual separation. Then the Catholics made a new ruling under a modified perpetual separation law, called a dissolution of the conjugal community, and this was made a law by the Reichstag.¹ The grounds for divorce are determined by the laws of the state of which the husband is the subject at the date of the petition, and they are divided into two classes, absolute and relative.

Absolute grounds for divorce are adultery, bigamy, and sodomy, attempts against the petitioner's life, and wilful desertion, while relative grounds are a grave breach of marital duty, dishonorable or immoral conduct, and insanity. When absolute grounds are established, the petitioner has the right to the order asked, but when relative grounds are considered, it is left to judicial discretion whether relief should be granted.² The husband when guilty, must supply his former wife with maintenance according to her station, but when the separation is due to her misconduct, he

1. Civil Code, Art. 420.

2. Ibid., Art. 421.

must give her an allowance only sufficient to cover bare necessities, and if in the case when the wife is guilty, the husband is unable to support himself, the wife must maintain him according to his station. However, all rights to maintenance are forfeited by remarriage. A change that the Civil Code makes in one article of the former Code relates to the provision that when the wife is guilty, the former husband may compel her to assume her maiden name, while on the other hand, when the husband is guilty, the wife may resume her maiden name.¹

In all other matters relating to the common affairs of life, the husband is the master, even in the choice of abode, for the wife must live in the house and place chosen by her husband; but she need not follow him to foreign countries against her will; but the wife is not bound to obey in so far as the husband's decisions constitute an abuse of his rights. He can insist on her doing the housework and on helping him when he cannot afford to pay substitutes. He can forbid her to carry on a business, if he prefers that she be supported by him and give her time and strength to the home. When the wife has a larger earning capacity than the husband, or prefers to increase the income by outside work, this ruling is an injustice to the woman.

The wife has the implied power to bind the husband's credit in all matters within the scope of her household management.² This right may be restricted or excluded between the husband and wife as the husband sees fit, but too close a restriction may be

1. Civil Code, Art. 412.

2. Ibid., Art. 412. This is called the "power of the keys."

removed by order of the Guardianship Court if the husband abuses his rights. The wife can incur obligations unrestrictedly, but obligations incurred without the husband's concurrence cannot be enforced against any property which comes under the husband's management. The husband must maintain his wife in accordance with his station in life, means, and earning powers. If he is unable to do this, then the wife must maintain him in their station in so far as she can do it.

But the relation of married women to their money is the place where great injustice is done women. After marriage, the husband and the wife's money is put together in a "community of moveables"¹ each being entitled to a part of the fund, but the husband has it in his power during his life, and he alone is entitled to receive the income and deal with the fund. If the wife fears for the management of the property, she can lodge complaint with the authorities and get compensation for her losses, but this is not a common practice, no matter how unbusinesslike the husband may be. If the income from the common² and from the non-privileged³ property is insufficient to provide for the household expenses, the wife must contribute a reasonable part for such expenses from the income of her privileged property⁴, which she may hold in her own name by special agreement. The husband loses his right to administer his wife's estate and the community is dissolved, if

1. Civil Code, Art. 413.

2. The whole property of both spouses which is not separate property of one of them.

3. Property that comes under the husband's power of management.

4. See Appendix II.

death or divorce occurs, if the husband has disposed of part of the wife's property without her required consent and her interests are endangered, if the husband has wilfully reduced the common property, and if he fails to support his wife and children.¹ In such a case, when the property is divided, each party gets one half.

Hence it seems that in general, the laws are fairly just to women, with the exception of the use of her income, and this really does work a hardship for German women. Yet many of them feel that the husband should manage their property, and the men take the attitude that the wife's money always should be given to her husband, as it is right and proper that important sums of money be in a man's hands and under his control, - thus implying woman's innate lack of ability along such lines. This with other injustices has led thoughtful German women to inquire into the reasons for such enactments along with other abuses, and their investigations have resulted in the woman's rights movement.

This movement has been confronted with more unfavorable conditions in Germany than in any other European country, and nowhere has it been more persistently opposed. Woman's influence was weakened by war and the accentuation of militarism, and the movement was not reinforced by any large Liberal majority in the national assembly, as was true in France and England. In fact, the theories of the rights of man have never been applied by German Liberalism to women, in a broad sense. The

1. Civil Code, Art. 417

only people who have been in favor of the woman movement, were the Socialists, and they are not in the majority yet. German men seem to be harder to win over to the cause of woman's rights, probably because their respect for individual liberty and rights has not been developed as in England or France.

The German woman's rights movement originated during the troublous times preceding the revolution of 1848, and its founders, Augusta Schmidt, Louise Otto-Peters, Henrietta Goldschmidt, Ottilie von Steyher, and Lina Morganstein were believers in the right of a woman to an education, to work, to choose her calling, and as a citizen, to participate in public life directly.¹ In the early 60's woman's right to vote was put aside as something utopian, and so the founders discussed the question of women industrial laborers, and attacked the question in a practical way by organizing a society for the education of working women.

Since it was middle class women who started the work, they were interested in securing a livelihood for middle class women, and it was not until much later that lower class women were included.

In 1865, the German General Woman's Club was founded, embodying the first three demands of the woman's rights movement, and in 1888, Mrs. Cauer established the magazine "Frauenwohl", in which all questions pertaining to women were discussed. There was plenty of material for discussion, for women were becoming interested in all phases of the subject, since in 1875 two prominent men, August Bebel and Herr Auer, publically advocated

1. "Duty, right, and honor (Ehre) of work, these are ideals of real good that our sex should strive for." Cauer, Die Frau, p. 113.

women's rights in the debates relating to it in a Social Democratic Congress.¹ In 1879, Bebel published his great work, Die Frau, that in 1895 reached its twenty fifth edition. The younger and more radical advocates of the woman's rights movement allied themselves with Mrs. Cauer, and tho they had been interested primarily in the field of education, she led the way in the organization of trade unions for women not exclusively in the middle class. In 1889, with the aid of Mr. Julius Meyer and Mr. Silberstein, she organized the Commercial and Industrial Benevolent Society for Women Employees, which has 24,000 members at present. In 1894, the radical section of the German Federation of Woman's Clubs proposed that women's trade unions be admitted to the Federation, but this offended the Conservatives in the organization. These two elements have not been entirely united, because - and the same situation is found in the movements in other countries - the radicals want to move toward their goal much faster than the conservatives.

In no other country, however, is there a denominational schism in the movement, such as there is in Germany. There is a German Evangelical Woman's League founded in 1899, which is not strongly in favor of equality of rights between men and women, but it later joined the Federation. In 1903, a Catholic Woman's League was formed, which has not joined the Federation. A Society of Jewish Women was also formed. These different organizations make for disunion in the cause, but thru them many women are reached that ordinarily would not be reached.

Another unfortunate schism is the one between the woman's rights movement of the middle class and that of the Socialists.

1. Cauer, Die Frau, p. 115.

At the International Congress of Women in 1896, two Social Democrats, Lily Braun and Clara Zetkin, made the very inopportune and harsh statement that they never would cooperate with middle class women. Such an attitude is due to the feeling of the Socialists that the middle class is to blame for the harsh laws against them. It is a very unhappy circumstance, for a union of the Radicals and Conservatives would have been particularly fortunate, but the Socialists seem opposed to peaceful cooperation.¹

Another characteristic of the movement is its extensive and thorough organization which is so natural to the German mind. Women speakers visit even the smallest cities and organize clubs. Extensive data are kept concerning the movement so that the leaders can tell exactly where the cause needs to be advanced.

In 1904 Germany was stirred by the International Council of Women held in Berlin, when German women saw how many more rights women of other nations had than they, and they then began to want the suffrage. But the German National Council of Women, composed of 100,000 members, feared to adopt a resolution favoring suffrage, lest the government dissolve them; but in 1906, the law prohibiting women from attending political meetings was revoked, and women became free to declare themselves.

Since 1908, the political woman's rights movement has been of first importance in Germany, and women have made some gains. Women tax payers in some states can vote in municipal elections

1. Schirmacher, The Modern Woman's Rights Movement, p. 153.

by proxy, and women owners of large estates in Saxony and Prussia can vote by proxy in the election for the Kreistag. Also Protestant women of Alsace and Lorraine were granted the right to vote in church elections. In Prussia, the law finds the right of the sexes to be equal unless exception is expressly declared,¹ and so the League of Evangelical and Catholic women of that state demand the vote. In December, 1905, the first vote on woman's suffrage in a German Parliament was taken in Bavaria, when the Constitution was revised to give manhood suffrage. The women asked for suffrage and were supported by all the Socialists, one half of the Liberals and one fourth of the Clericals, but three fourths of the Clericals defeated it. At the present time, the Socialists have adopted woman's suffrage, but the Liberal party has refused, and up to the time of the war, there was no immediate prospect of obtaining it.

The German men have been willing to admit that the bearing of children demands as much courage as military service and even that it is as useful to the nation, it has been regarded as an individual act which did not rank with the organized activities of men and so they could not allow women to cooperate with them in the management of the state. But now, since the beginning of the great war, women have shown that they have organizing ability of a high order, for on the morning when Germany declared war against Russia the president of the Federation of Women's Clubs issued a call for the mobilization of German women for social

1. I. H. Harper, N. Amer. 186:55-71.

service. The resulting organization has a wide range of service, for while one branch works with the Red Cross and another cares for the comfort of the soldiers in the field, another looks after the homes, deprived of the bread winner.¹ Women, thrown out of employment, were set to work in other positions, relief was given to the needy, and food was distributed to the destitute. They also have established cooking schools where women learn to make appetizing foods at a minimum cost. The whole system has been thoroughly organized, and when the war is over, it seems as tho the women, even by this service alone, will have won, and may speedily be granted the right to a greater share in German life and government.

The nineteenth century and the early part of the twentieth, then, have witnessed a gradual development of women in a moral sense, in literature, in education, in economic life, and in political rights. In some of these fields, the change for the better has only just begun, while in others, it is well on its way. Some fields hold great promise, but in order to realize her opportunities, the German woman must develop her individuality, her self respect, and her initiative. Sentiment toward her has changed somewhat for the better, especially during the twentieth century, and should nothing interfere, it seems as tho in spite of many backslidings, mistakes and wrongs, German men and women are pressing forward to the time when in perfect accord there will be

1. Independent, March 29, 1915. p. 445.

"Everywhere

Two heads in council, two beside the hearth,

Two in the tangled business of the world;

Two in the liberal offices of life.

Two plummets dropt for one to round the abyss

Of science and the secrets of the mind."

APPENDIX I

Schleiermacher formulated ten commandments for wives that if followed would save them from disaster:

- I. You shall have no beloved beside him, but you may have friends without playing in the shadings of love.
- II. You may have no ideals, neither an angel in heaven, nor a hero from a poem or novel, nor one from your dreams, but you must love your husband as he is. For nature, your mistress, is a stern goddess which visits the enthusiasm of maidens upon the wife to the third and fourth generation.
- III. You shall not misuse the sacred things of love in the least, for you will lose your pure feelings.
- IV. Search your soul in the Sabbath that you may celebrate it; and if it holds you, make yourself free or go to the ground.
- V. Honor the peculiarities and the discretion of your children, that it shall go well with them and they shall be strong on earth.
- VI. You shall not vivify intentionally.
- VII. You shall not go into the bonds of a marriage that must be broken.
- VIII. You shall not wish to be loved where you do not love.
- IX. You shall not bear false witness for men; you shall not condone their bad acts with words or deeds.
- X. Let yourself be attracted to men's culture, ability, knowledge, and honor.*

* Cauer, Die Frau im 19 Jahrhundert, p. 47.

APPENDIX II

The only property that the husband does not control is the wife's privileged property: (1) things required for personal use, (2) property declared privileged by the marriage contract, (3) property acquired by the wife, by her work carried on independently of the household, (4) property given by a testator or donor as privileged property. The husband may dispose of his wife's money or other consumable effects, but he must get her consent for disposing of all other things. Any disposition made by the wife in regard to her non-privileged property is inoperative unless it is ratified by the husband. If the husband unreasonably refuses his consent, assent may be obtained from the Guardianship court.*

* Civil Code. Article 414.

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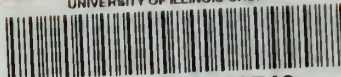
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